

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Joe R. Blurton,)
)
Plaintiff,) Case No. 3:10-cv-96
)
-vs-) **ORDER ADOPTING REPORT AND**
) **RECOMMENDATION**
Paul Laney, Cass County Sheriff, in his)
official and individual capacity,)
)
Defendant.)

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff Joe R. Blurton's Amended Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted (Doc. #26). Blurton filed objections to the Report and Recommendation (Doc. #27).

In his objections, Blurton reiterates the facts surrounding his alleged false imprisonment claim, which was previously dismissed by this Court, and reiterates his claim that he was denied and delayed contact with his insurance company, Geico, and lien holder, Bank of America, with regard to the loss of his Corvette. Blurton attached various affidavits to his objection, including an Affidavit of Complaint Requesting Criminal Investigation Into Evidence Tampering and Property Losses, Affidavit of Complaint Requesting Federal Investigation into a Civil Complaint, Affidavit of Complaint Requesting Criminal Investigation of U.S.P.S. Mail Theft, Affidavit of Complaint Regarding Criminal Acts to Deny a Due Process of Law by Cass County Sheriff Department, and Affidavit of Complaint Request for Investigation by the Internal Revenue Service. A majority of the averments contained in the allegations is irrelevant to the

issues currently before the Court. They contain allegations of evidence tampering during his criminal case, loss of “confidential information” in the underlying criminal case, lack of counsel during the underlying criminal case, “criminal acts of mail removal” occurring after he attempted to forward mail, and improprieties during the preliminary hearing in the underlying criminal case.

A review of the record plainly indicates none of Blurton’s “objections” raise any meritorious issues or change the magistrate judge’s analysis that Blurton failed to demonstrate Defendant Laney was personally involved in or responsible for the alleged constitutional violations or that the alleged deprivations resulted from a custom or policy of the Cass County Sheriff’s Department. After considering the Report and Recommendation, conducting a *de novo* review of Blurton’s objections, and reviewing the entire file, the Court finds the Magistrate Judge’s position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety.

For the reasons set forth therein, Blurton’s amended complaint is dismissed with prejudice. The Court finds that any appeal would be frivolous, could not be taken in good faith, and may not be taken *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 17th day of October, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court